

Date Received
TOWN CLERK

By: _____



TOWN OF ACTON
MASSACHUSETTS

Date Received JUN 21 2013
By: _____
ACTON BUILDING DEPARTMENT

RECEIVED
JUN 21 2013

BOARD OF APPEALS
(FORM 4)
PETITION FOR A SPECIAL PERMIT

June 11th 2013

TOWN CLERK, ACTON

I/We hereby petition the Board of Appeals for a public hearing and a special permit under Section 8.1.4 of the Zoning By-Law, as provided by G.L. Chapter 40A, Section 9 to allow: + 8.1.5

myself to obtain a building permit for my 15' 2 1/2"; 14' 9 1/2" deck that will be built on the side of my house. According to the zoning by-law, I do not meet the Gross Floor Area. The new would be over the gross floor area by a little under 27 sq. Feet ft².

OFFICE USE ONLY	
Seven copies of petition? <u>+ 3 CD</u>	
Location map? <u>✓</u>	
Plot plans? <u>✓</u>	
Additional briefs? <u>✓</u>	
List of abutters and other interested parties? <u>✓</u>	
Fee - \$100.00/1-25 abutters \$125.00/26+ abutters? <u>✓</u>	
Next Hearing Date? <u>8/5/13</u> No <u># 13-03</u>	

Respectfully submitted

Signed _____

(Petitioner)

Name Keith Villa

Address 171 Main St

Phone # 774-244-0574

Signed _____

(Owner of record)

Name Same

Address _____

Phone # _____

A special permit may be granted by the Board of Appeals under specific paragraphs of the Zoning By-Law. In general, the use may be permitted if the special permit will be in harmony with the general provisions and intent of the Zoning By-Law and if all requirements or conditions for the granting of such a permit, as contained in the specific sections of the Zoning By-Law, have been satisfied.



Board of Appeals

NOTICE OF PUBLIC HEARING

The Board of Appeals will hold a Public Hearing on Monday, August 5, 2013 at 7:45 PM in Room 126 of the Town Hall.

on the following petition:

Hearing #13-03

**Keith Villa for a Special Permit under Section
8.1.5 of the Zoning by-law to allow a 234 square
foot deck to be built on an existing home on a
non conforming lot. Located at 171 Main Street
Map G2A/Parcel 34.**

Petitioner must be present, or send authorized representative

BOARD OF APPEALS

Ken Kozik

Chairman



TOWN OF ACTON

472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 929-6633
Fax (978) 929-6340

Board of Appeals Hearing #13-03

A public hearing of the Acton Board of Appeals will be held on **Monday, August 5, 2013** at **7:45 pm** in Room 126 of Town Hall on the petition of Keith Villa for a **SPECIAL PERMIT** under **Section 8.1.5** of the Zoning by-law to allow a 234 square foot deck to be built on an existing home on a non-conforming lot. Located at 171 Main Street, Map G2A/Parcel 34.



TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9632
Fax (978) 264-9630

Cheryl Frazier
Board of Appeals Secretary

TO: Beacon Community Newspapers
Legal Notice Department

I hereby authorize Beacon Community Newspapers to bill me directly for the Legal Notice to be placed in connection with my permit/application on JULY 11th + JULY 18th in the Beacon.

X Signed: 

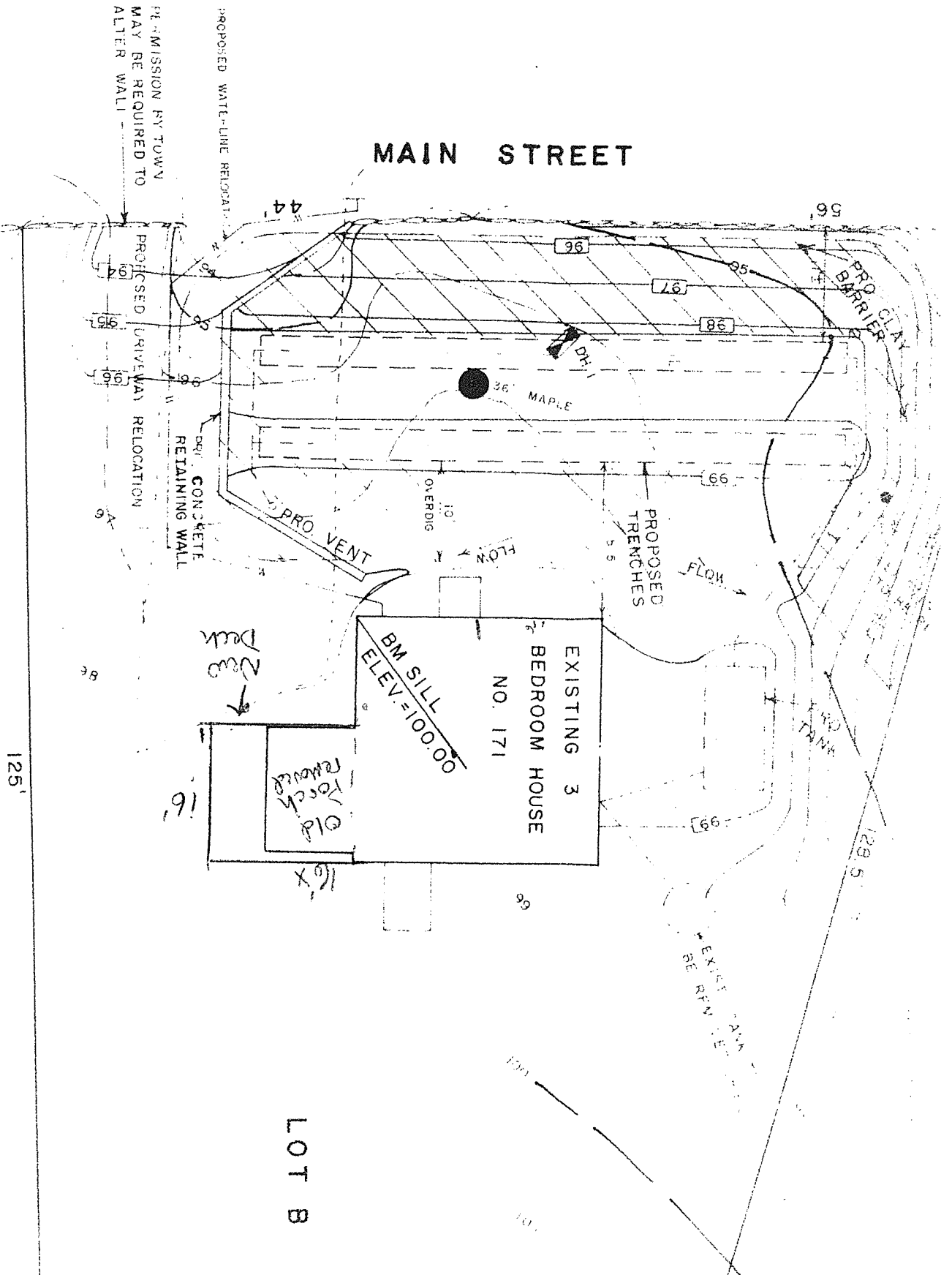
X Address: 171 Main St

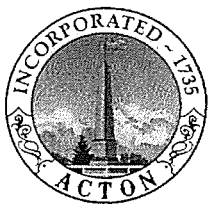
Acton Ma 01720

X Phone: 774-244-0574

Note: This release is to be signed and submitted by the applicant to the Town at the time of initial submittal of every Permit/Application that requires Public Notice by Newspaper. Please leave the day on which date it will appear blank.

MAIN STREET





Zoning Enforcement Officer

TOWN OF ACTON

472 Main Street
Acton, Massachusetts 01720
Telephone (978) 929-6631
Fax (978) 929-6340
planning@acton-ma.gov
www.acton-ma.gov

March 20, 2013

Mr. Keith Villa
171 Main Street
Acton, MA 01720

Re: Proposed Construction of New 16'-0" x 16'-0" (256 square foot) Deck Attached to Side of Existing Single Family Residential Dwelling Situated on a Nonconforming Lot
171 Main Street, Acton, MA 01720

Dear Mr. Villa,

The Planning Department has reviewed your submitted building permit application and CAN NOT approve it at this time. As you notated on your application, the pending building permit is seeking approval to "install new deck on side of house".

As you may or may not be aware of, the subject property is located within an R-2 (Residence 2) zoning district. Property located within this zoning district typically requires a minimum of 150'-0" of lot frontage and a minimum of 20,000 square feet of lot area. Unfortunately, the subject property does not comply with either of these minimum requirements. The subject property in question currently has 100'-0" of lot frontage and only 10,008 square feet of total lot area. There are multiple pieces of property with similar circumstances located throughout town. These types of properties (171 Main Street included) are known as and referred to as "Nonconforming Lots". Section 8 of the Town of Acton's Zoning Bylaw governs Nonconforming properties. More specifically, the following subsection of the Bylaw is applicable in this instance when beginning the building permit review process:

8.1.4 Extensions, alterations or changes of Single- and Two-Family Dwellings on Nonconforming Lots – One or more extensions, alterations or changes to a single or two-family residential STRUCTURE on a nonconforming LOT shall be deemed not to increase any nonconformity and shall not require special permits under Section 8.1.5, provided that such extensions, alterations or changes comply with all applicable yard requirements and in total do not increase the size of the STRUCTURE by more than 15 percent of the GROSS FLOOR AREA in existence on April 1, 2012 or the date that LOT became nonconforming, whichever is later.

Information obtained from the Town of Acton Property Assessor's Office, indicates that the existing structure currently consists of approximately 1,382 square feet of Gross Floor Area (First Floor – 576 ft², Finished Attic – 230 ft², Basement – 576 ft²). In order to permit any "extension, alteration or change" administratively as of right, the overall maximum permitted size of said proposal could not exceed 207 square feet (15%). As previously noted, the building permit currently submitted seeks approval to

construct a 16'-0" x 16'-0" (256 ft²) deck. The size of the proposal exceeds the maximum size permitted, and as a result, I CAN NOT approve the building permit as currently submitted.

Therefore, should you wish to continue to pursue the submitted building permit application, there are two options available to you. The options are as follows and you may select either one:

Option 1 – Section 8.1.5 of the Zoning Bylaw becomes applicable and it states the following:

8.1.5 In all other cases, the Board of Appeals may, by special permit, allow such reconstruction of, or extension, alteration or change to a single or two-family residential STRUCTURE on a nonconforming LOT, where it determines either that the proposed modification does not increase the nonconformity or, if the proposed modification does increase the nonconformity, it will not be substantially more detrimental to the neighborhood than the existing STRUCTURE on the nonconforming LOT.

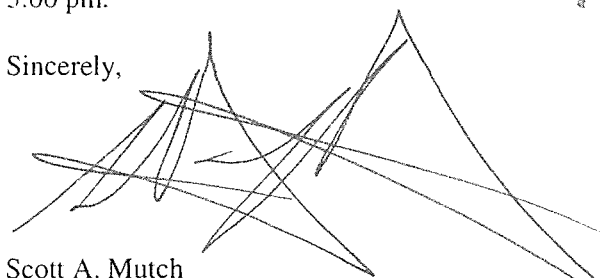
This option presumes that the application submitted to the Zoning Board of Appeals would look identical in nature to the building permit currently submitted to the Town for review. Should the Zoning Board of Appeals approve such a Special Permit for the larger overall footprint and square footage, then you would be permitted to continue to move forward with the building permit application.

Zoning Board of Appeals applications for Special Permits may be obtained by contacting Cheryl Frazier, Secretary for the Zoning Board of Appeals, at (978) 929-6443 or cfrazier@acton-ma.gov during regular business hours.

Option 2 – You may modify the submitted building permit drawings to reduce the overall size of the proposed structure to comply with the maximum permitted dimensional requirements and then resubmit the plans for further staff review.

If you have any questions, comments or concerns regarding this matter, please feel free to contact our office at (978) 929-6631, Monday through Friday (except holidays) between the hours of 8:00 am and 5:00 pm.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott A. Mutch". The signature is stylized with long, sweeping strokes and is positioned above the printed name.

Scott A. Mutch
Zoning Enforcement Officer & Assistant Town Planner

2'4"

14' 9 1/2"

6' Stairs

6x6 Post

2x10

Joist hange

2x12

Insulation
No Insulation

6x6 Post

6x6 Post

on existing Footings

2x12

Lags

Joist hanges

15' 2 1/2"

existing
House

Main Street



Town of Acton
472 Main Street
Acton, MA 01720
Telephone (978) 929-6621
Fax (978) 264-9630

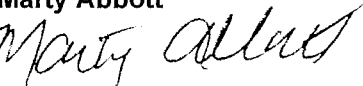
Brian McMullen
Assessor

Locus: 171 MAIN ST
Parcel ID: G2A-34

Parcel ID	Location	Owner	Co-Owner	Mailing Address	City		
G2A-34	171 MAIN ST	VILLA KEITH		171 MAIN ST	ACTON	MA	01720
G2A-27	173 MAIN ST	LETOURNEAU LARRY L	LETOURNEAU KARA E	173 MAIN ST	ACTON	MA	01720
GA-2A-38	170 MAIN ST	GRAHAM BRAD W	GRAHAM DANA L	170 MAIN ST	ACTON	MA	01720
G2A-43	167 MAIN ST	BEERS RICHARD + JOAN		277 OLD SUDBURY RD	SUDBURY	MA	01776
G2A-22	177 MAIN ST	CHILDRENS DISCOVERY MUSEUM INC		177 MAIN ST	ACTON	MA	01720
G2A-39	169 MAIN ST	MCGOWAN ROBERT A	ROBIN M TALKOWSKI	169 MAIN ST	ACTON	MA	01720
G2A-33	172 MAIN ST	BENTON TERRI STONE	KOSIOR PAULA	11 ROBINWOOD RD	ACTON	MA	01720
G2A-26	174 MAIN ST	FINK HOWARD J		174 MAIN ST	ACTON	MA	01720
G2A-21	178 MAIN ST	TARDIF VICKI		178 MAIN ST	ACTON	MA	01720

The owner of sharing a common boundary or corner with the site of the proposed activity (100 feet) in any direction, including land located directly across a street, way, creek, river, stream, brook or canal. The above are as they appear on the most recent applicable taxes.

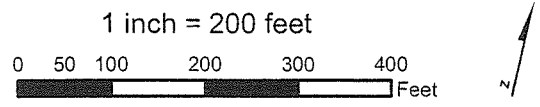
Boxborough, MA 01729 Maynard, MA 01754 Concord, MA 01742 Littleton, MA 01460
Carlisle, MA 01741 Stow, MA 01775 Westford, MA 01886 Sudbury, MA 01776

Marty Abbott

Acton Assessors Office

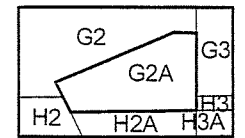
10-Apr-13



- LEGEND**
- Rivers & Streams
 - Easements
 - Target Map Parcels
 - Adjacent Map
 - Building
 - Water Bodies
 - 10-5 Parcel Number
 - 21 Street Address
 - Municipal Land



Town of Acton
MASSACHUSETTS



Assessor Map:
G2A

Parcel boundaries shown on
this map are for assessment
and planning purposes only.

Map Produced By:
AppGeo
February 2013